

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO
FEBRUARY 9, 2010**

WORK SESSION

A Work Session convened at 6:20 PM on Tuesday, February 9, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Cara Russell. Present were Trustees Joel Benson, Robert Flint, Keith Baker, Duff Lacy, Brett Mitchell, Town Administrator Sue Boyd, Town Planner Shannon Haydin, Town Engineer Rachel Friedman, Public Works Director Roy Gertson, Town Treasurer Christine DeChristopher, Town Clerk Diane Spomer and Evelyn Baker, Chair of Planning & Zoning Commission.

Sue Boyd began by outlining this was a Joint Work Session with the P&Z Commission to present a plan pending a resolution for the Town to adopt the Chaffee County Energy Plan and the County Commissioners approved the plan his afternoon.

Kathryn Wadsworth, Incite Consulting, noted she was hired by the County and municipalities through grant funds to conduct an Energy Plan and provided a power point presentation on the proposed Chaffee County Energy Plan which included planning actions; the development of a website and radio adds; toured the Canon City Corrections facility; there will be a community outreach and then "the plan"; successful communities have a tag line (chaffeecounty-energynow.com); executive summary that can be used by various entities in the County in moving the plan forward. Kathryn presented various items within the plan including the mapping; residential wind turbines in the area; geothermal areas; bio mass in the County; green house gas emissions report; community needs assessment and residents think we need to look at renewable energies; best use of efforts is through energy and conservation and identified six areas of strategies that local governments can set for examples of energy efficiency.

A brief discussion followed on a night sky component; Built Environment; \$20,800 match for Energy Star; a community energy coordinator; role of the Trustees is to formally adopt the plan as a guideline to be used. This item will come back for adoption by Resolution along with a complete document at the next meeting. The work session concluded at 6:55 PM.

CALL TO ORDER

A Regular meeting of the Board of Trustees was called to order at 7:03 PM on Tuesday, February 9, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Cara Russell. Present were Trustees Joel Benson, Robert Flint, Norm Nyberg, Keith Baker, Duff Lacy, Brett Mitchell, Town Administrator Sue Boyd, Town Attorney Jeff Parker, Town Planner Shannon Haydin, Public Works Director Roy Gertson, Town Engineer Rachel Friedman, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Russell led in the Pledge of Allegiance.

AGENDA ADOPTION

Motion #1 by Trustee Benson, seconded by Trustee Lacy, to adopt the agenda as presented. Motion carried.

CONSENT AGENDA

A. Minutes

1. Regular Meeting – January 26, 2010

B. Advisory Boards

1. Airport Board
2. Trails Advisory Board

C. Should the Board approve adoption of Resolution #12, Series 2010, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPOINTING MIC HEYNEKAMP TO THE AIRPORT BOARD"?

Trustee Benson noted a correction on page 11 toward the bottom, 4th line down we would "owe" this money again; on page 15, 1st bullet, 2nd sentence, requested a change to the sentence to read: "Joel referenced Roy's comment on the 2002 river park plan and encouraged him and staff to bring up what they know when we are actually talking about a pertinent subject".

Motion #2 by Trustee Flint, seconded by Trustee Mitchell, to approve the Consent Agenda as amended. Motion carried.

PUBLIC COMMENT

All comments were held until the agenda items came forward.

NEW BUSINESS

PUBLIC HEARING – SHOULD THE BOARD APPROVE A REQUEST FOR A SPECIAL USE PERMIT FROM BEST HEALTHCARE LLC TO OPERATE A MEDICAL CLINIC IN THE B1 ZONE DISTRICT?

Town Planner Haydin noted the property is zoned B1 in the OT overlay recognizing the way the Town was subdivided a long time; the intent is to allow B1 uses and R1, R2 and R3 uses to promote mixed use. On the subject property there are two separate buildings - the building in the back is for therapy services and is the subject for the special use with the other building as the office but the property is treated as a whole unit; P&Z placed a condition on the approval for an access – all parking will be placed in the ROW and they are not required to have on-site parking for the business; the applicant will extend the gravel drive way; surrounding land uses are retail and mixed uses with residential; surrounding parcels are B1 OT zoning; the applicant meets all set back and height requirements; the applicant has worked with the Chaffee Building Dept. on building permits to comply with ADA; pedestrian access is "at will" with no sidewalks but a bike path on Cedar Street; there is no code to have them do drainage; a landscape plan will go before P&Z March 1. Shannon added that the proposal meets the Comp. Plan; off-street parking has been addressed; they are working on ingress/egress; the service area is adequate for the property and has necessary utilities; signs have been reviewed and approved. P&Z approved with the following conditions: applicant must submit a landscape plan within 30 days which is underway; parking must be parallel to the ROW and they are working on it; have applied for a building permit and will get an access permit from Roy.

Mayor Russell opened the public comment portion of the hearing at 7:19 PM with none received and closed the comment portion of the hearing.

Discussion followed on looking at licensing from the State and there is no guideline within our Code to require it.

- Should the Board approve adoption of Resolution #13, Series 2010, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING A SPECIAL USE PERMIT FOR LAWANA BEST, BEST HEALTHCARE, FOR THE CONTINUED OPERATION OF A MEDICAL CLINIC AT 430 CEDAR STREET AND 112 COURT STREET, DESCRIBED AS LOTS 17, 18, AND 19, BLOCK 4, BUENA VISTA SUBDIVISION SAID PROPERTY BEING LOCATED WITHIN"

THE TOWN LIMITS OF THE TOWN OF BUENA VISTA, COLORADO?

Motion #3 by Trustee Flint, seconded by Trustee Baker, to approve the Special Use Permit with the conditions stated by staff and to accept Resolution #13, Series 2010. Motion carried.

PUBLIC HEARING – TO CONSIDER AN APPLICATION FOR A BEER AND WINE LIQUOR LICENSE FOR THE JADE GARDEN, KELLY LING APPLICANT

Town Clerk Spomer outlined the documents received for the Beer & Wine Liquor License application, noted an item appeared on the background check while the Individual History Form showed the applicant "did not have any prior convictions", this was discussed with the applicant who was advised she would have to be present to address this issue. Diane noted that a conviction may not be cause for denial but the answer to the question on the form could be grounds.

Mayor Russell opened the public comment portion of the hearing at 7:23 PM.

Kelly Ling joined the meeting at 7:23 PM and responded to Council that she did not understand the question on the Individual History Form and she thought they were asking about a DUI and thus marked "no" to the question.

With no other comments received Mayor Russell closed the public comment portion of the hearing at 7:25 PM.

Motion #4 by Trustee Flint, seconded by Trustee Mitchell, to approve the Beer & Wine License for the Jade Garden. Discussion followed on a serious crime or on lying on the application and if there was an intentional lie it could be denied – a false reporting crime is not likely grounds for denial. Roll call vote: Benson-aye, Lacy-aye, Baker-aye, Mitchell-aye, Flint-aye, Nyberg-aye. Motion carried.

PUBLIC HEARING - Should the Board approve adoption of Ordinance #2, Series 2010, entitled "EXTENDING THE TEMPORARY MORATORIUM ON THE PROCESSING AND APPROVAL OF ANY APPLICATION FOR A TOWN OF BUENA VISTA PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS THAT SELLS MEDICAL MARIJUANA; DIRECTING THE PROMPT INVESTIGATION OF THE TOWN'S REGULATORY AUTHORITY OVER SUCH BUSINESSES; DECLARING THE INTENTION OF THE BOARD OF TRUSTEES TO CONSIDER THE ADOPTION OF APPROPRIATE TOWN REGULATIONS WITH RESPECT TO SUCH BUSINESSES IF PERMITTED BY LAW"?

Town Attorney Parker noted the reason for the extension is to wait and see what the State may do with proposed legislature, we can then approve legislation that is appropriate based on what the State may do and this will allow us time.

Daniel Homme, CR 358, noted the moratorium has been in place for some time and hoped Council took the time to research the topic thoroughly and urged moving forward in a manner that is compassionate; felt the majority of the Colorado residents voted to approved the medicinal use of marijuana and now in 2010 we have choices; there are a lot of people in the Country, State and Town not healthy and live under the radar and stay home out of public eye dealing with serious pain, their quality of life is hard to be grasped by all of us; expressed they have a right to choose what doctors and medicines they need to take and felt a need for medicinal marijuana in Buena Vista; cited examples of individuals suffering from pain and noted the comfort level marijuana would provide. Daniel stated he wants to open a dispensary in Buena Vista and open a facility in a way that works for both sides and protects the integrity of the Town and thanked Council for their time.

Mayor Russell opened the public comment portion of the hearing at 7:28 PM with none received and closed the comment portion of the hearing.

Discussion followed on dispensaries in Salida and Leadville make it available in the area; this ordinance is for regulating the sales in the Town of Buena Vista but not for the use; approving a moratorium to wait for

the State to make a decision on legislature so we can be consistent or we can adopt guidelines; other municipalities have adopted ordinances allowing MMDs but with guidelines on locations and number of facilities.

Motion #5 by Trustee Benson, seconded by Trustee Nyberg, to approve Ordinance #2, Series 2010. Roll call vote: Nyberg-aye, Baker-aye, Mitchell-aye, Benson-aye, Flint-aye, Lacy-aye. Motion carried.

PUBLIC HEARING - Should the Board approve adoption of Ordinance #3, Series 2010, entitled "AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, ADDING SECTION 16-65 SPECIAL EVENTS TO THE BUENA VISTA MUNICIPAL CODE"?

Town Planner Haydin led the discussion on the proposed ordinance that is an attempt to make coordination of Special Events in Town formalized and it asks for a permit for larger events of 50 or more; if it impacts Town facilities we can coordinate use of Fire, Public Works and Police; many events have been successful; traffic, port o potties and trash removal are all items to be addressed through the application process; there is a \$50 fee, a \$200 Deposit and a charge per hour if assistance is needed from the Town; staff will meet with Event Coordinators 10 days before an event to make sure everything is coordinated. Staff wishes to get consensus so that applications can go out to certain events if approved tonight.

Mayor Russell opened the public comment portion of the hearing at 7:46 PM with none received and closed the comment portion of the hearing.

Discussion followed on the Town Planner being the point person but staff would meet to coordinate the details of each event; the Ordinance and draft permit were sent to several event hosts and the Chamber of Commerce for review with very minor comments brought back; keeping events in Buena Vista and not discouraging them with the deposit amount; definition of a special event of "50 or more" and having to include class reunions etc. or only those that affect traffic and street closures; deposit contingent upon the size and impact of the event; cost of law enforcement and Public Works time.

Mayor Russell reopened the public comment portion of the Hearing at 7:59 PM.

Evelyn Baker, 520 Arizona Street, stated that P&Z suggested in lieu of an actual deposit of funds the event could provide a credit card to cover costs if there are charges incurred for the event.

With no other comments, Mayor Russell closed the public comment portion of the hearing at 8:00 PM.

Discussion continued on Sue was in Summit County before they had the permitting process and there were huge problems but the process helped in planning for events running smoothly; not requiring a temporary sign permit and the timing flow needs more work; work on more solid definitions and bring back to the Board; problems encountered with the bike festival last year; the deposit will offset costs for lost equipment like traffic cones.

Motion #6 by Trustee Flint, seconded by Trustee Benson, to continue the Public Hearing to February 23, Roll call vote: Lacy-aye, Mitchell-aye, Flint-aye, Benson-aye, Baker-aye, Nyberg-aye. Motion carried.

PUBLIC HEARING - Should the Board approve adoption of Ordinance #4, Series 2010, entitled "AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING SECTION 16-64 AND ADDING SECTION 16-65 OF THE BUENA VISTA MUNICIPAL CODE REGARDING VENDOR CARTS"?

Town Planner Haydin stated there have been a lot of conversations about the vendors on Hwy.24 and staff was directed by Council to put an ordinance together to regulate vendor carts in Town. Shannon highlighted that this ordinance amends the current section by allowing the review of ingress/egress, safety issues, no more than one cart per location, collection of sales tax and having necessary Health Department permits; staff focused on land use aspects and the County process as it relates to health issues and asking where their commissary is located and where the food is prepared.

Mayor Russell opened the public comment portion of the hearing at 8:11 PM.

Lois Huyck, 30511 Pine Glenn Court, Owner of Ks Dairy Delite, objected to vendor carts on Hwy. 24 because of traffic, parking, image and safety; parking should be 1 space per 400 sq. ft. and provided pictures from last summer addressing the lack of parking; Sec. 7 (d) of the Ordinance - off-street parking is limited if you can find any at all; there are no visible trash containers for any vendors near them; signs obstruct views for traffic; one vendor per property is plenty; expressed that K's Dairy Delite has had a reputation in the valley for 50 years and tries to do everything necessary to increase sales tax and the "experience" in Buena Vista.

Jeff Leavitt, 133 Baylor, heard business owners talk about issues of vendor carts so he went to businesses today that had concerns and asked Council to not raise the fee but have stricter guidelines to make sure they are enforcing the rules; asked if taxes are being paid; felt they are "fly by night operations" and what does it say about our Town and our home values and provided his signed petition.

Judy Denney, 36512 CR 371, owner of Kiko's Grill the last 2 years as a summer food establishment by Buena Vista Drug, noted she met with Town staff to help with guidelines that could be more streamlined in applying for a permit. Judy supported the ordinance but noted what they as owners had to accomplish: obtain a business license for the State and the Town, a County Health Department 48 page application (Hazard Analysis) and critical points for approval by the County and noted how extensive the document was; got a temporary use permit and noted what was involved: parking, egress, permission from property owner, description of use, opened a separate business checking account, paid all local fees and sales tax. Judy noted they are not a "fly by night" operation; they pay their taxes; do not pay property taxes just like renters; have been self-employed for 20 years; watched 9 restaurants fold in 2 years and wanted to have a business that thrived but wanted summer only and offer great food; submitted a petition of over 120 people that support vendor carts with food; doesn't want small minded business owners that cast doubt with those who can survive and offered that people that come through Town and see activity will come back and provided her petition to the Mayor for the record.

With no other comments received, Mayor Russell closed the comment portion of the hearing at 8:28 PM.

Discussion followed on maintaining standards and having vendor carts being a part of the positive image of Buena Vista; staff is available to make sure the vendors are doing what they are supposed to do; reviewing sites to comply with parking and safety issues; add language to show that Special Event permit vendors are exempt - "vendors that are associated with a Special Event are exempt from the provisions of this ordinance" should be added under (8); businesses that want to set up a separate space on the highway or elsewhere still have to get a Temporary Use Permit; reducing the time to not allow the full 6 months; the process involved for vendors with Special Events and licensing requirements.

Motion #7 by Trustee Baker, seconded by Trustee Mitchell, to adopt Ordinance #4 with an amendment to Section 8 specifying that vendors associated with a Special Event are exempt from this ordinance. Roll call vote: Benson-aye, Nyberg-aye, Flint-aye, Lacy-aye, Mitchell-aye, Baker-aye. Motion carried.

A recess was taken from 8:50 PM to 9:02 PM.

RECONSIDERATION OF THE TOWN'S APPROVAL OF ORDINANCE NO. 8, SERIES 2009, AN ORDINANCE ACCOMPLISHING THE FIRST PART OF A SERIAL ANNEXATION KNOWN AS THE VILLAGES AT COTTONWOOD MEADOWS ANNEXATIONS, AS REQUIRED BY THE REFERENDUM PETITION FILED WITH THE TOWN ON DECEMBER 16, 2009, AND PURSUANT TO C.R.S. § 31-11-105, AND POSSIBLE APPROVAL OF A RESOLUTION REFERRING TO VOTERS AT THE TOWN'S APRIL 6, 2010 REGULAR MAIL BALLOT ELECTION THE QUESTION OF WHETHER TO REPEAL ORDINANCE NO. 8, SERIES 2009 AND FIXING A BALLOT TITLE THEREFOR

Attorney Jeff Parker noted the Board can repeal the Ordinance or set the measure to the electors to decide if they want the annexation ordinance repealed.

Paul Ahrens, 106 Shady Lane, one of the sponsors of the petition, asked Council to honor the request to repeal the ordinance tonight; felt the last time it was voted on the annexation was voted down by a slim margin; several people felt it was to allow the farm to remain and thought it was for that reason only; several individuals were misinformed and that still exists and asked Council to honor the request of the petition.

Mayor Russell thanked staff for their work on the Protest Hearing as seemed to be handled professionally. Discussion followed on the people spoke the first time, if we can't agree on repealing the Ordinance it should go to a vote of the people; there was a lot of confusion and there still is; based on merit it should go forward and be annexed but given our choices it should go to a vote of the people; staff put in a lot of time on this item.

- Should the Board approve adoption of Resolution #14, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, REFERRING TO VOTERS AT THE TOWN'S APRIL 6, 2010, REGULAR MAIL BALLOT ELECTION THE QUESTION OF WHETHER TO REPEAL ORDINANCE NO. 8, SERIES 2009, APPROVING THE VILLAGES AT COTTONWOOD MEADOWS ANNEXATIONS, AND FIXING A BALLOT TITLE THEREFOR**"?

Motion #8 by Trustee Mitchell, seconded by Trustee Flint, to approve Resolution #14, Series 2010. Roll call vote: Nyberg-aye, Flint-aye, Baker-aye, Benson-aye, Mitchell-aye, Lacy-aye. Motion carried.

APPROVAL OF THE APRIL 6, 2010, ELECTION TIMELINE

Town Clerk Spomer highlighted several timelines and stated that the Mail Ballot Plan was approved by the Secretary of State.

Motion #9 by Trustee Benson, seconded by Trustee Mitchell, to approve the timeline. Motion carried.

DISCUSSION OF WATER RESOURCES AND EQRS

Town Engineer Friedman prepared a water audit for 2009 to see what our water usage was (total use was 299 gallons per tap/day for the 1490 taps in Town), 1490 taps include residential and commercial with no ability to separate them in our system. Rachel gave the historical water usage; total acre feet we possess is 2800 per year and we are using 21% of that; staff is trying to determine when to get more and how much system development fees should be; there is no set national standard for what an EQR is; EQRs are set by each Town to be a different value; recommended that we do not yet convert to an EQR system since it does not have a national or regional standard and we would not get better clarity, but suggested setting a work session to go into further details about what a water right portfolio should look like and what we need it to look like for growth.

Discussion followed on having an accurate accounting of water in Town since we have not had accurate data presented from Cyndi Covell, Trish Flood, the water rate study or past planners; for planning purposes if we have a potential development we need to know how much water it is going to use, how much water do we have and how much is available for the next person including what has been committed to the residents and what is the impact on our water if we up-zone to R3. Rachel added that for what is committed, until we have a count of residential vs. commercial we do not know averages without separation. Discussion continued on the Tyler Technology software will be able to measure this; Cyndi Covell felt we had enough water for Cottonwood Meadows at build-out as planned and to meet existing obligations; annexation should bring in water to take care of the development or pay cash in lieu; is \$20,000 per acre foot enough and we need to look at each acre of water; is EQR the measure or acre feet; need an accounting measure in place first; EQR is not a useful accounting tool; schedule a work session on March 9 (6PM) before the regular meeting so candidates for Trustee can attend; Rachel will use average, how upper and lower zone work, storage and look at the basics of the system and zoning maps on where growth is projected;

Should the Board approve adoption of Resolution #15, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AWARDING A CONTRACT FOR TERMINAL RENNOVATIONS AT THE CENTRAL COLORADO REGIONAL AIRPORT**"?

Town Treasurer DeChristopher handed out revised changes to the contract and noted we received five bids, the low base bid was \$198,950 from L Kersting Construction with an available budget of \$177,968, had to deduct alternatives that brought the bid down to \$194,163 - \$16,000 over budget with no contingencies; Kevin Gould met with Lon of Kersting Construction with ideas on the table, worked through them on what made sense and to get the project done on time; pages 6 and 7 outline options which did not change the layout of the building; Thursday we spoke with the building inspector, Shannon went to the airport regarding the fire wall between the hangar and terminal building-the 2nd floor offices were added on without a permit, the fire wall is between the offices and the conference room; HVAC has no firewall between it and we need a firewall to get the building permit. After measuring, drawing and doing costs it will be \$21,416 for the firewall. Christine outlined new options as presented: Option #2 looks the best but we may need to look at energy efficiency; Lon's engineer is looking at removing the parts from 4 units and reconditioning them with a 1 year warranty; recommend going with Option #2, add money to the budget and outlined Exhibit 3 of the handout and adding \$20,000 to meet budget with \$33,615 being the Town contingency. Representatives from Kersting Construction were present for questions.

Discussion followed on so many surprises in the last several months and will the contingency amount be enough-they felt it would be safe but sometimes it is hard to tell. Lon told Christine it was fairly calculated, there were potential risks but felt they were calculated as he looked at them in depth; architect should have caught some of the items before we got this far along; the architect was hired to oversee the contract piece; designate Christine to oversee the project; 70 days with 10 working days for the fire wall for the project; when were the offices added and if Ron Southard disclosed that information or he will be responsible for bringing it to code; 2.5% of the \$167,000 is the Town's plus \$10,000 is the proposal; total contract price not to exceed \$199,597.16. Jeff Parker noted the construction contract complies with the bid documents, a final version was sent out yesterday with technical issues and suggested approving in substantially the form as presented tonight and clarify who the Town Rep will be-Christine and suggested approval to be: approve contingent upon updating the contract with revisions to the change of scope as approved tonight and filling in the blanks of the Resolution with \$199,597.16 with option #2. Trustee Nyberg stated we could not get a better company to do this work.

Motion #10 by Trustee Baker, seconded by Trustee Benson, to approve Resolution #15, Series 2010 contingent upon updating the contract attached as matched by the Town Attorney and designating Christine as the Town's point of contract and with revisions to the change of scope as approved tonight and filling in the blanks of the Resolution with \$199,597.16 with option #2. Roll call vote: Lacy-aye, Nyberg-aye, Flint-aye, Benson-aye, Baker-aye, Mitchell-aye. Motion carried.

Should the Board approve adoption of Ordinance #5, Series 2010, entitled "**AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA AUTHORIZING AND APPROVING AN ADDENDUM TO A HANGER GROUND LEASE**"?

Administrator Boyd outlined the addendum to the Twin Peaks Ground Lease and Mark Muller is the General Manager of the condo association; we expected a hangar management agreement but all the issues have not been worked out; this will allow for subletting and commercial use of the hangar and making it possible for the airport to lease the space for transient pilots; one of the consultants noted when you go to the primary lease it automatically creates a five year extension of the ground lease; the hangar management agreement was pulled pending further conversation with Mr. Muller.

Discussion held on moving forward in good faith as we will work out hangar management issues; section 2 language is boiler plate language; section 3 language is "acting pursuant to legislative authority" and is standard language for other municipalities.

Motion #11 by Trustee Flint, seconded by Trustee Nyberg, to approve Ordinance #5, Series 2010. Roll call vote: Benson –aye, Lacy-aye, Baker-aye, Nyberg-aye, Flint-aye, Mitchell-aye. Motion carried.

A recess was taken from 10:05 PM to 10:10 PM.

Should the Board approve adoption of Resolution #16, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING THE TOWN TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT TO PROVIDE AWOS MAINTENANCE SERVICES AT THE CENTRAL COLORADO REIGONAL AIRPORT**"?

A new resolution and updated services contract was placed on the table with staff and Airport Board recommendations to not renew the service agreement with Vaisala and enter into an agreement for maintenance of the AWOS with Avionics Specialists; the third paragraph in the staff memo should have "maintenance" instead of "lease"; they reduced the price tag originally submitted and it is now \$4,200 for basic requirements; ASPEC put in for \$4800 but included uploading data to the NADIN and recommended approving the contract with AVSPEC in substantially the form as presented.

Discussion held on concern if there is a drop coverage with AWOS and a contractual obligation to get it fixed-they do address unscheduled outage within a 24 hour period and plan to bring parts with them.

Motion #12 by Trustee Benson, seconded by Trustee Mitchell, to approve Resolution #16, Series 2010. Discussion followed on client background checks. They have a contract with CDOT to do the system statewide and were in negotiations with Leadville and Pagosa Springs. Mal Sillars added that they have contracted with half a dozen airports.

Trustee Benson amended his motion, seconded by Trustee Mitchell, to include "in substantially the form as submitted. Roll call vote: Mitchell-aye, Flint-aye, Benson-aye, Lacy-aye, Nyberg-aye, Baker-aye. Motion carried.

Should the Board approve adoption of Resolution #17, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING THE DOLA CONTRACT FOR THE E. MAIN STREET IMPROVEMENTS**"?

Sue Boyd noted the contract has not been received yet and recommended tabling the item to the next meeting; highlighted that the largest share of the project was completed last year with bump-outs crosswalks and so forth; there are outstanding parts of the project: sidewalks need to be done-plan to complete this spring with a bid being put out; street furniture-demo furniture is in front of Mother's Bistro and is there for comment; money is in the 2010 budget to add some furniture, the Chamber will partner with the Town on an adopt a bench project and we are working out a project with them; soliciting public comments on the furniture and will bring back a proposal; can create a mechanism on the website for comments or phone calls to Town Hall.

Discussion followed and Council felt a box on the table at Town Hall soliciting comments with a box at Mothers also and phone calls to go to Public Works; the Railroad Crossing will be on the agenda for the next meeting; the lighting is not complete we have a proposal to build into use of efficient energy and do a grant to address lighting issues

Motion #13 by Trustee Flint, seconded by Trustee Mitchell, to table this item to the next meeting. Motion carried.

APPOINTMENT TO THE AIRPORT BLUE RIBBON TASK FORCE

Mayor Russell contacted individuals in the community to verify their interest and involvement the next few weeks and noted individuals to be appointed are Cara Russell, Keith Baker, Mal Sillars, Mic Heynekamp, Ron Southard, Lee Lechner and Jerry Steinauer. A question arose that if the 8th person is willing to serve can he be added later. Attorney Parker noted we can add them and if he does not agree he would be a ghost commissioner. Cara submitted the name of Bud McBroom and advised that the first meeting will be held tomorrow morning at 8 AM and the Town did not meet the 24 hour posting deadline. Town Clerk Spomer advised that the notice has been posted at Town Hall and the Post Office.

Should the Board approve adoption of Resolution #18, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPOINTING MEMBERS TO THE SPECIAL AIRPORT COMMISSION**"?

Motion #14 by Trustee Benson, seconded by Trustee Nyberg, to adopt resolution #18, Series 2010, appointing those individuals as presented by Mayor Russell. Motion carried.

DISCUSSION OF FAIR TRADE TOWN STATUS

Trustee Benson stated Fair Trade is a certification producers can achieve, usually in other countries that the workers are given a fair wage, they live under certain living conditions, there is a particular size of acreage, they work in cooperatives, etc. with strict guidelines; you can purchase fair trade products at various places; the Roastery is certified as Fair Trade and there are a number of places you can buy fair trade around Town. Joel forwarded an e-mail to the Trustees for Buena Vista to be a Fair Trade Town with little effort; the Roastery just needs to fill out the application, already has seven people interested in being on the Steering Committee to discuss ways to promote fair trade in Town; the Roastery can do a promotion in October for Fair Trade coffees or teas; one retail trade shop needs to sell two different fair trade products; Nature's Pantry sells fair trade coffee and other things and the committee could top with other establishments to promote fair trade products in Town; benefits are: no cost to the Town; we could be the first Fair Trade Town in Colorado and use it for marketing potential; the Town would have to pass a resolution that they like Fair trade and provided some draft resolutions and asked Council to approve.

Motion #15 by Trustee Baker, seconded by Trustee Mitchell, to approve the application to apply to be a Fair Trade Town. Motion carried. A resolution will be on the next meeting agenda.

STAFF REPORTS

TOWN ADMINISTRATOR

Administrator Boyd had the following items to cover:

- There was a joint work session scheduled during our last board meeting with a follow-up conversation on a countywide sales tax. Christine attended the meeting and they proposed a work session on Feb. 23. Christine added that they committed to have the commissioners come, 4 Salida Council members will attend and will present what they had to say, it is scheduled before the Feb. 23 meeting. Discussion held on the benefit of a county-wide sales tax; work session will be at 5:30 PM with pizza, coffee and brownies.
- Staff is continuing to respond to requests for information regarding the proposed pipeline across the Arkansas; a public hearing is set for Feb. 19 before the County Planning Commission and the County Commissioners meeting on the 22nd; Jeff Parker has been working with Nestle's attorney on the easement documents to be executed at the Feb. 23 meeting and the agreement with bill of sale between Nestle and the Town.
- There was a public input meeting scheduled for tonight on the fairgrounds; we are in the middle of a parks master plan and the rodeo grounds are part of the process; the County is contemplating a

GOCO Planning Grant and we might be able to partner with them on the fairgrounds and the rodeo grounds.

- You have a list of priorities for 2010; based on conversations tonight, we want to make sure we have an ordinance related to medical marijuana added to the list. Trustee Benson asked about the airport strategy for interim management status. Sue expressed we need an approval for the operating plan and the task force needs to look at it with a recommendation. Joel suggested water accounting should be added to the water portfolio and the Ivy League water should be included. Trustee Lacy asked if the True Value Agreement would be included. Sue felt it should be completed in the next few weeks.
- Trustee Benson suggested adding would be handling the items on the priorities list even though Sue is overseeing it. Sue will provide that.

AIRPORT MANAGEMENT

Administrator Boyd had the following items to cover:

- Special Airport Commission-Christine and Sue are ready to provide support to that effort.
- Monday, Feb 8 the Airport Board had a special meeting with a preliminary draft of a hangar development packet and we are making progress. Trustee Lacy wanted to know where we are with contacts, I have done a list with those interested in developing hangars; are in the process of developing a hangar development package and are you interested in being on the list to receive that information. The packet is anticipated to be done by the Airport Board at the March meeting and will come before the Trustees as recommendations.
- We talked about snow removal and about what should be included or excluded in a ground lease; should drivers of the plow have a CDL license - this decision is pending; asked Bob Johnson to work on connecting the fuel supplier with Public Works. Roy noted he found that the fuel will not hurt the diesel equipment. Discussion held on waste fuel is being used on vehicles.
- A card reader system at the gates and cameras at strategic locations is a good idea and we need to get them in the capital improvement plan.
- TSA is pulling back on GA airports.
- Trustee Baker asked about fuel valves. Bob Johnson noted people turn lights on the vehicles to run batteries down so we can't start the vehicles the next day and have changed valves so there is no fuel going to the fuel island.

POLICE DEPARTMENT/CALL REPORT/MUNICIPAL REPORT

- Sue got a call from the Chief today - he was dealing with an emergency situation and therefore could not be present
- Mayor Russell noted we used to get a comparison of calls from month to month and Sue will contact the Chief on that issue.

PUBLIC WORKS

- Roy Gertson referenced page 146, item #D (5), we got a compliance letter stating we complied with the rule about the 2013 date; if we are not in compliance by 2013 we have to add more types of treatment for surface water.
- South Main is working on the bill of sale and transferring the infrastructure to the Town by the end of March.
- Meadow Ridge transfer, the letter has been prepared and staff is reviewing it. The transfer requires a signature from the Town Engineer and Administrator.
- Miles Construction will complete the river project in 10 days, just finished feature #6 and we are on schedule.
- A few weeks ago the Council approved a letter recommending ACA for an award, they have been awarded an excellent project for E. Main and delivering on time, it is a statewide award and asked Mayor Russell to attend the banquet the end of the month. This puts Buena Vista in the limelight of having a quality project.
- Mayor Russell asked when there was a good time to work on the SOPs and manuals. Roy-Rachel is busy and working on the manual diligently and trying to get before P&Z soon, staff needs another review. Sue noted it is identified in her list of priorities.

TOWN PLANNER

- Shannon addressed the Comp. Plan Analysis; spoke with Joel about revisions to the policy intent and value added columns and he wanted to help work on the grid. Trustee Benson noted the

former policy to prevent or solve a problem and the idea is to identify the problem the policy is trying to address and getting down to the root cause; action steps should address the root cause; suggested the need of being more detailed than just financial. Mayor Russell suggested P&Z be allowed a chance to solicit input also. Shannon solicited input from Council.

- Trustee Baker attended the Hwy. 24 Corridor planning meeting last week and felt it went well with good ideas being proposed by business owners. Shannon and Rachel have a lot of things to put into the plan.

TRUSTEE/STAFF INTERACTION

- Mayor Russell expressed that twice this week she had to skirt around people walking on Hwy. 24 with the snow and asked if we still utilize the ATV operator. Roy stated he waits for the State to finish their plowing and we had a DOC crew this week with hand shoveling.
- Cara asked if any member of Council was interested in being on the Campaign Committee for the bond and sales tax question or if they knew of anyone; will be meeting with Troy Bernberg with Stifel Nicolaus and he might have ideas on what we can do to promote this item. Christine noted the first thing they need to do is put together labor statements. Discussion followed on what the Board can do with Fair Campaign Practices. Attorney Parker offered that the Board is limited but they can pass a Resolution to take a position and publish through normal channels; as elected officials you can do things as individuals.
- Trustee Mitchell noted a letter to the editor on temperatures in the community center being set appropriately. Roy Gertson got a report from the Bridge Club and came down after their meeting and it was 70 degrees in the room; noted the temperature drops low and when the heater comes on it gets really warm. Discussion followed on placing a note by the thermostats with directions on how to address the issue.

EXECUTIVE SESSION - for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402(4) (b) pertaining to a complaint received by the Town

Motion #16 by Trustee Benson, seconded by Trustee Mitchell, to enter into Executive Session for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402(4) (b) pertaining to a complaint received by the Town.

Those present for the Executive Session were Mayor Russell, Trustees Joel Benson, Robert Flint, Brett Mitchell, Keith Baker, Duff Lacy, Norm Nyberg, Town Administrator Sue Boyd and Town Attorney Jeff Parker. Executive Session was held from 11:32 PM to 11:48 PM.

Motion #17 by Trustee Mitchell, seconded by Trustee Baker, to adjourn to Regular Session. Motion carried.

ADJOURNMENT

Motion #18 by Trustee Flint, seconded by Trustee Benson, noting that there being no further business to come before the Board declared that the meeting be adjourned at 11:50 PM. Motion carried.

Respectfully submitted:



Mayor, Cara Russell



Town Clerk, Diane Spomer